

# 14

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Gary D. HODGEN et al.

Serial No.: 08/462,780

Filed: June 5, 1995

For: ANTIPOGESTIN METHOD AND KIT FOR REDUCING SIDE EFFECTS  
ASSOCIATED WITH LOW DOSAGE HRT, ORAL CONTRACEPTION AND  
REGULATING MENSES

FAX RECEIVED  
JUL 10 1995  
U.S. PATENT & TRADEMARK OFFICE  
On Petition  
Frances Hicks

LETTERDeputy Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Appreciation is expressed to Petition's Examiner Hicks for the very helpful telephone conversation of July 16, 1996.

During that conversation, it was the recommendation of Ms. Hicks that a response to the office action of September 12, 1995, be filed in order to make clear that all of the requirements of 37 C.F.R. §1.137 have been fulfilled. Such a response is attached.

However, for the record, it is submitted that Rule 129 is a remedial rule and is to be broadly interpreted. Consequently, since a final rejection of subject matter pending in this application was previously issued in the grandparent application, the benefits of the rule should apply to this application. In any event, the action being taken otherwise herein renders this position moot. Of course, the submissions attached to the revival filed on May 8, 1996, if nothing else, establish a bona fide attempt at fulfilling all requirements to perfect a response to the office action of September 12, 1995. The application, thus, was ripe for revival with, perhaps, a 30-day letter to be issued by the examiner.

CERTIFICATION OF FACSIMILE TRANSMISSION  
I HEREBY CERTIFY THAT THIS PAPER IS BEING  
FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK  
OFFICE ON THE DATE SHOWN BELOW.  
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION  
*Daniel J. Hants*

**NOTICE TO EXAMINER:**

The references mentioned in the IDS of May 8, 1996, are not in the PTO file yet. Rather than filing these at this juncture and risk loss due to handling in the PTO, the examiner is respectfully requested to telephone the undersigned when the application arrives in the group. At that time, all of the references will be immediately hand-carried to the Group.

Respectfully submitted,



Anthony J. Zelano  
Registration No. 27,969  
Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P. C.  
Arlington Courthouse Plaza I  
2200 Clarendon Boulevard, Suite 1400  
Arlington, Virginia 22201  
(703)812-5311

Filed: July 19, 1996

P:\data\wp\pkd\sch\sc1309c3.ltr